

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

TOMAS S. JIMENEZ,  
individually and on behalf  
of all other similarly situated,  
Plaintiff,

v.

NOVA MUD, INC.,  
Defendant.

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NO. 2:15-CV-1058-MV/SMV

**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION TO EXTEND  
DISCOVERY DEADLINE AND AMENDED SCHEDULING ORDER**

After considering Defendant Nova Mud, Inc.'s Unopposed Motion to Extend Discovery Deadline, the Court **GRANTS** the motion and **ORDERS** that the parties shall have five months to complete discovery from the date of this Order. Accordingly, the following deadlines contained in the Court's Scheduling Order dated April 8, 2016 (Dkt. 52) are hereby amended as follows:

1. The termination date for discovery is **April 4, 2017**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. The Court will not limit the number of requests for admission served by each party at this time. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

2. Motions relating to discovery shall be filed with the Court and served on opposing parties by **April 24, 2017**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the 21-day time limit in

D.N.M.LR-Civ. 26.6 (Party served with objection to discovery request must file motion to compel within 21 days of service of objection. Failure to file motion within 21 days constitutes acceptance of the objection.).

3. Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing party by **May 5, 2017**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

4. If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

5. Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiff(s) to Defendant(s) on or before **June 20, 2017**; Defendant(s) to Court on or before **July 3, 2017**.

6. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

**IT IS SO ORDERED.**

SIGNED on the 12th day of October, 2016.



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STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE

Submitted by:

/s/ Fernando M. Bustos

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Electronically approved on October 10, 2016:

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